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LORETTA A. PRESKA
U. S. DISTRICT JUDGE
S. D. N. Y.

MICHAEL A. CARDODOZ
Corporation Counsel



THE CITY OF NEW YORK
LAW DEPARTMENT

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February 4, 2008

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/7/08

By Mail:

Honorable Loretta A. Preska
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 1320
 New York, New York 10007

Re: Anthony George, et al v. Warden Collins, et al
 Index No.: 07 CIV 7907 (LAP)(DCF)

Dear Judge Preska:

This office represents defendant Department of Corrections, (hereinafter "DOC") in the above referenced action in which pro se plaintiff alleges that while incarcerated in a DOC facility, DOC failed to provide him with adequate medical care by depriving him of his medically required boots. I write to clarify a procedural issue which has arisen in the above referenced action.

First, the Court docket, annexed hereto, indicates that the answer for Deputy Warden Collins is due on January 29, 2008. However, as this defendant returned the request of waiver of service which was sent to him on or about January 4, 2008, his response to plaintiff's complaint is not due until 60 days after the date on which the request for waiver was allegedly sent, or March 4, 2008, pursuant to Rule 4(d)(3).

If this Court were to find that this matter does not fall within the parameters of Rule 4(d)(3), I request an extension of time for Deputy Warden Collins to respond to the complaint until March 4, 2008. The reason for this request is that this time is needed for this office to investigate the many allegations in the complaint, and to determine whether the Corporation Counsel may represent this individual defendant under section 50-k of the New York General Municipal Law. The incident alleged in the complaint occurred at a DOC facility. There are several potential witnesses that must be interviewed, including but not limited to those named in plaintiff's complaint. Additional time also will enable this office to research possible defenses and to prepare an appropriate response.

Accordingly, defendants respectfully request that the Court grant defendant Deputy Warden Collins until March 4, 2008 to respond to the complaint in this action.

Thank you for your consideration of this request.

SO ORDERED
Suzanne Preska
SUSANNE A. PRESKA
UNITED STATES DISTRICT JUDGE
February 7, 2008

CC Anthony George
Plaintiff Pro Se
308 East 175th Street
Bronx, New York 10457
(by mail)

Respectfully submitted,



Chevon Andre Brooks (CB 1616)
Assistant Corporation Counsel

PLRA, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-07907-LAP

George v. Collians et al
Assigned to: Judge Loretta A. Preska
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/07/2007
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: U.S. Government
Defendant

Plaintiff

Anthony George

represented by **Anthony George**
308 East 175th St.
Bronx, NY 10457
PRO SE

V.

Defendant

Duty Warden Collians

Defendant

Duty Warden Rivera

Defendant

Duty Warden Cripps

Defendant

Department of Corrections

Date Filed	#	Docket Text
09/07/2007	1	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Kimba M. Wood on 9/6/07) (dle) (Entered: 09/13/2007)
09/07/2007	2	COMPLAINT against Collians, Rivera, Cripps, Department of Corrections. Document filed by Anthony George.(dle) (Entered: 09/13/2007)
09/07/2007		Case Designated PLRA purs. to Prison Litigation Reform Act Section 7 (2)(g)(2). (dle) (Entered: 09/13/2007)

09/07/2007		Magistrate Judge Ronald Ellis is so designated. (dle) (Entered: 09/13/2007)
10/17/2007	3	PRO SE MEMORANDUM dated 10/19/07 re: CHANGE OF ADDRESS for Anthony George. New Address: 308 East 175th Street, Bronx, NY, 10457. (tro) (Entered: 10/23/2007)
01/15/2008	4	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint served. Collians served on 1/9/2008, answer due 1/29/2008. Service was made by MAIL. Document filed by Anthony George. (tro) (Entered: 01/17/2008)

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